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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,915	12/03/2003	Mikko Halttunen	KOLS.073PA	4691

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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10/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,915

Applicant(s)

HALTTUNEN ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 20-25 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-25 and 31-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/19/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7/19/2005 was filed after the filing date of the instant application on 12/02/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Election/Restrictions

Claims 27-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/26/2007. Applicant has cancelled claims 27-30 in response to the restriction requirement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 20-25 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (U.S. Patent No. 5,916,024) in view of Woodfield et al. (U.S. Patent No. 5,905,523).

Referring to claim 1, Von Kohorn discloses an arrangement for transmitting data to a terminal of a radio system (**see Figure 3**).

Von Kohorn discloses a receiver configured to receive a television broadcast (**see element 26 in Figure 3**).

Von Kohorn also discloses a processing unit configured to separate data from the received television broadcast (**see element 30 in Figure 3**).

Von Kohorn also discloses a transmitter configured to transmit the separated data through a connection to a terminal (**see transmission line 124 in Figure 3**).

Von Kohorn fails to teach a wireless connection from the transmitter to the terminal.

Woodfield discloses a wireless connection from a transmitter to a terminal (**see wireless transmission line from IR interface 27 to IR interface 18 in Figures 3-4**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the connection from the transmitter to the terminal, as taught by Von Kohorn, using the wireless connection from a transmitter to a terminal, as taught by Woodfield, for the purpose of using direct switching which increases the transmittable data rate without the need for a more complex receiving circuit in each handset which would be required in order to decode a higher data rate encoded on a carrier (**see Column 6, Lines 4-8 of Woodfield**).

Referring to claim 2, Von Kohorn discloses that the processing unit is further configured to convert the separated data into a format suitable for the terminal (**see Column 21, Lines 14-30**).

Referring to claim 3, Von Kohorn discloses that the separated data comprises a game (**see Column 9, Line 62 through Column 10, Line 7**).

Referring to claim 4, Von Kohorn discloses that the receiver is integrated into a television set (**see receiver 26 integrated with TV 20 in Figure 1**), and the processing unit is integrated into a separate box coupleable to the television set (**see separation circuitry 30 being in a separate box from TV 20 in Figures 1, 3 and 6**).

Referring to claim 5, Woodfield discloses that the arrangement is integrated into a separate box coupleable to a WLAN access point (**see again the connection from wireless interface 27 to wireless interface 18 in Figure 3**).

Referring to claim 6, Von Kohorn and Woodfield disclose the limitation of claim 1, but fail to teach the use of a DVB-H receiver.

The examiner takes Official Notice to the fact of the use of a DVB-H receiver to receive television broadcasts being well known in the art.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver, as taught by Von Kohorn and Woodfield,

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to include a DVB-H receiver for the purpose of using less power than a standard DVB receiver.

Referring to claim 7, Von Kohorn discloses that the data is embedded in an analog transmission (**see Column 20, Lines 1-4**).

Referring to claim 8, Woodfield discloses that the data is embedded in a text television transmission (**see Column 4, Lines 28-30**).

Referring to claim 9, Von Kohorn discloses a game server configured to run a game (**see central station 12 in Figure 3**), a display interface configured to communicate display information on the game to a display (**see TV 20 in Figure 3**).

Referring to claim 10, Von Kohorn discloses a game control receiver configured to receive game commands from the terminal (**see response unit device 44 in Figure 3**).

Referring to claim 11, Woodfield discloses that the wireless connection is an infrared connection (**see Figure 3**).

Referring to claim 12, Von Kohorn and Woodfield disclose all of the limitations of claim 1, but fail to teach capturing a screen shot from the received television broadcast.

The examiner takes Official Notice to the fact of capturing a screen shot received from a television broadcast being known in the art.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver, as taught by Von Kohorn and Woodfield, to include a television screen capture function for the purpose of keeping of record of game activity viewed by a user of the game system.

Referring to claim 13, Von Kohorn discloses that the separated data comprises encrypted data, and the processing unit is further configured to decrypt the separated data (**see Column 151, Lines 21-45**).

Referring to claims 14-19, see the rejection of claims 1-2, 9-10 and 12-13, respectively.

Referring to claims 20-24, see the rejection of claims 1-2, 9 and 12-13, respectively.

Referring to claim 25, see the rejection of claim 1 and further note that Von Kohorn also discloses processing data in a network server, issuing response data by the terminal and transmitting the response data from the terminal to the network server through a radio system (**see Column 149, Line 36 through Column 150, Line 3 and Figure 45**).

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Referring to claims 31-33, see the rejection of claims 1-2 and 9, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

October 17, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

